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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-820

13 **SHAWNEE HADLEY**  
16859 Sebastian Way  
Esparto, California 95627

**A C C U S A T I O N**

14 **Registered Nurse License No. 468664**

15 Respondent.

16  
17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive  
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about August 31, 1991, the Board issued Registered Nurse License Number  
23 468664 to Shawnee Hadley ("Respondent"). The Registered Nurse License was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on December 31, 2014,  
25 unless renewed.

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1 **JURISDICTION**

2 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
3 the Board may discipline any licensee, including a licensee holding a temporary or an inactive  
4 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
5 Practice Act.

6 4. Code section 2764 provides that the lapsing or suspension of a license by operation of  
7 law or by order or decision of the Board or a court of law, or the voluntary surrender of a license  
8 by a licensee, shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
9 against the licensee or to render a decision imposing discipline on the license.

10 **STATUTORY PROVISIONS**

11 5. Code section 2761 provides, in pertinent part:

12 The board may take disciplinary action against a certified or licensed nurse or  
13 deny an application for a certificate or license for any of the following:

14 (a) Unprofessional conduct, which includes, but is not limited to, the following:

15 (1) Incompetence, or gross negligence in carrying out usual certified or licensed  
nursing functions.

16 **REGULATORY PROVISIONS**

17 6. California Code of Regulations, title 16, section 1443, states:

18 As used in Section 2761 of the code, "incompetence" means the lack of  
19 possession of or the failure to exercise that degree of learning, skill, care and  
20 experience ordinarily possessed and exercised by a competent registered nurse as  
described in Section 1443.5.

21 **DRUG**

22 7. Risperdal is a trade name for Risperidone and is a psychotropic medication. It is  
23 a dangerous drug within the meaning of Code section 4022 in that it requires a prescription.

24 **COST RECOVERY**

25 8. Code section 125.3 provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
2 included in a stipulated settlement.

### 3 BACKGROUND INFORMATION

4 9. At all times during the events set forth herein Respondent was employed as a nurse by  
5 the Sierra Health Care Center ("SHCC")<sup>1</sup> in Davis, California.

6 10. Patient A was a resident of SHCC. On or about December 21, 2008, a verbal order  
7 from Dr. M was entered on the *Physician's Orders* sheet for Patient 1 as follows: "Risperidone  
8 0.25 mg PO [by mouth] daily." Dr. M wrote below the verbal order "Above is for delusions and  
9 paranoid thinking."

10 11. On or about July 22, 2009, a verbal order from Dr. M was entered on the *Physician's*  
11 *Orders* sheet for Patient 1 as follows: "Give extra dose of Risperdal 0.5 mg PO now for  
12 agitation" and "Give Risperdal crushed mixed with food." Respondent subsequently reported to  
13 Dr. M that Patient 1 refused to take the medication. Respondent failed to adequately clarify with  
14 Dr. M his July 22, 2009, order for Risperdal for Patient 1.

15 12. On or about August 4, 2009, Respondent wrote a telephone order on the *Physician's*  
16 *Orders* sheet for Patient 1 as follows: "Discontinue Risperdal 0.5 mg client declines any of  
17 Psychotropic Drug use . . . ."

18 13. On or about August 25, 2009, Dr. M wrote below Respondent's entry dated August 4,  
19 2009, on the *Physician's Orders* sheet for Patient 1 as follows: "Above is not my phone order. I  
20 have not D/C'd [discontinued] Risperidone. She needs it. 0.5 mg PO QHS [by mouth every  
21 night at bedtime]. OK to crush . . . mix it into food."

22 14. On or about August 25, 2009, Dr. M entered on the *Physician's Progress Notes* for  
23 Patient 1, as follows: "I was not aware her Risperidone was stopped on 8/4, apparently abruptly.  
24 She has done poorly off this. She is more resistant to personal care, delusional, isolative. . . . She  
25 needs the Risperidone. . . . She functions better on it."

### 26 FIRST CAUSE FOR DISCIPLINE

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28 <sup>1</sup> SHCC is currently known as Davis Healthcare Center and under different ownership.

1 (Incompetence)

2 15. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1),  
3 on the grounds of unprofessional conduct, in that, in or around July 2009 and August 2009, while  
4 working as a registered nurse at Sierra Health Care Center ("SHCC") in Davis, California,  
5 Respondent committed acts constituting incompetence within the meaning of the California Code  
6 of Regulations, title 16, section 1443, as more fully set forth in paragraphs 9 through 13, above,  
7 by failing to clarify a medication order, and by failing to understand the effects of discontinuing a  
8 psychotropic medication without a physician's medication management plan.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct)

11 16. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
12 the grounds of unprofessional conduct, in that, in or around July 2009 and August 2009, while  
13 working as a registered nurse at Sierra Health Care Center ("SHCC") in Davis, California,  
14 Respondent demonstrated unprofessional conduct, as set forth in paragraphs 10 through 15,  
15 above.

16 **PRAYER**

17 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 468664, issued to  
20 Shawnee Hadley;

21 2. Ordering Shawnee Hadley to pay the Board of Registered Nursing the reasonable  
22 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
23 Code section 125.3; and,

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28 3. Taking such other and further action as deemed necessary and proper.

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DATED: March 26, 2013

*Stacie Ben*  
for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
State of California  
Complainant

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